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International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 7 July 2009 from the Secretary-General addressed to the President of the General Assembly

I have the honour to transmit a letter dated 1 July 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex). The letter relates directly to the ability of the Tribunal to complete its work.

In his letter, President Byron states that the Russian Federation intends to replace Judge Sergei Aleckseevich Egorov when he resigns from the Tribunal. President Byron requests that, though replaced, Judge Egorov should be permitted to continue to serve at the International Tribunal until the completion of the cases to which he was assigned. The Tribunal would therefore have two permanent judges from the Russian Federation serving at the same time. He also requested that the General Assembly allow derogation from the statutory prohibition against two judges of the same nationality serving at the Tribunal at the same time.

I would be grateful if you could bring the letter from President Byron to the attention of the members of the General Assembly. I would appreciate the Assembly considering this matter at the earliest opportunity in order to provide the Tribunal with the continuity and certainty necessary for the efficient completion of its work.

(*Signed*) **Ban** Ki-moon
Secretary-General

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Annex

Letter dated 1 July 2009 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

I am writing to you as a follow-up to my letter of 15 June 2009 in which I explained the need for an additional judge to serve at the International Criminal Tribunal for Rwanda.

In addition to my suggestions to recur to former permanent judges of the International Tribunal for the Former Yugoslavia or to the ad litem judges included in the roster of the International Tribunal for the recruitment of an additional judge, a third possible option has now appeared: The Russian Federation has approached me with the wish to nominate a permanent judge to replace Judge Egorov who has expressed his wish to return to his home country after completion of the cases he is currently assigned to.

In my letter of 23 June 2009 to the Russian Foreign Ministry, I pointed out that the Tribunal would support this request on the condition that the judge would be available to join the Tribunal in the coming two months so that he could be assigned to the remaining new trials which are all supposed to start no later than September 2009.

I have received a reply dated 30 June 2009 indicating that the Russian Federation "accepts[s] the proposal that a replacement judge would commence his or her service within the next two months". With this undertaking in mind, I would therefore support the Russian request for a replacement for Judge Egorov as a permanent judge. This judge should join the Tribunal as soon as possible and join the bench in one or two of the new cases.

Judge Egorov has agreed to submit his resignation to facilitate the process. In order to ensure that he can complete his work on the cases he is assigned to and which are still in judgement drafting phase, the Security Council would need to authorize him to finish these cases, notwithstanding his resignation and notwithstanding article 11, paragraph 1, of the Tribunal's statute. The Security Council used a similar procedure in, for example, resolution 1482 (2003).

(*Signed*) Dennis **Byron**
President